

R21-112

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF
CAMDEN, STATE OF NEW JERSEY IN OPPOSITION TO THE
TRANSPORTATION OF LIQUIFIED NATURAL GAS IN OUR REGION**

WHEREAS, the Borough of Merchantville’s first and foremost priority is to protect the health, safety, and welfare of citizens; and

WHEREAS, New Fortress Energy is planning for the overland transport of Liquefied Natural Gas (“LNG”, also known as liquid methane) by truck on public highways and by rail car on existing railways from a yet-to-be-completed liquefaction plant in Wyalusing, Pennsylvania, to a proposed LNG export terminal in Gibbstown, New Jersey on the Delaware River (the “Gibbstown Logistics Center”); and

WHEREAS, the Pipeline and Hazardous Materials Safety Administration (PHMSA) issued Special Permit DOT-SP 20534¹ on December 5, 2019 to New Fortress Energy subsidiary Energy Transport Solutions to use rail tank cars designed 50 years ago and never used to transport LNG, without performing an environmental impact analysis, which is essential to fully evaluate the impacts of LNG transport by rail car. The PHMSA Special Permit allowing the transportation of LNG in rail tank cars for travel between Wyalusing Township, PA and Gibbstown, NJ through hundreds of communities including municipalities in Camden County, does not provide adequate safety protection for the communities through which the rail cars will travel. Importantly, the Special Permit lacks the requirement for an outer rail car tank that is thicker and made of steel with a greater puncture resistance to provide an added measure of safety and crashworthiness, along with other required operational controls, which is included in the federal rulemaking approved by PHMSA for the transport of LNG by rail throughout the nation². PHMSA required the new design cars because they decided it was necessary to upgrade the rail tank cars for safety reasons, deeming the existing cars that will be used for the Gibbstown transport substandard and unsafe for LNG transport; and

WHEREAS, the transport of LNG has unique safety hazards, exposing those along these particular truck and rail routes to unprecedented and unjustifiable risk; and

WHEREAS, neither the State of New Jersey, the Delaware River Basin Commission, the Army Corps of Engineers nor any other agency has assessed the potential public safety, public health or environmental impacts of the proposed overland transport of LNG by truck or by rail car on the communities along the possible transportation routes between Wyalusing, Pennsylvania, and Gibbstown, New Jersey; and

WHEREAS, no full-scale Quantitative Risk Assessment, which quantifies the frequencies of events such as transportation accidents and their consequences, has been done of the

¹ <https://www.phmsa.dot.gov/safe-transportation-energy-products/liquefied-natural-gas-transportation-rail>

² <https://www.federalregister.gov/documents/2020/07/24/2020-13604/hazardous-materials-liquefied-natural-gas-by-rail>

trucks or rail cars that would contain the LNG that would travel from Wyalusing, Pennsylvania, to Gibbstown, NJ³; and

WHEREAS, the Army Corps of Engineers has issued approval of a permit to Delaware River Partners, LLC (“DRP”) pursuant to Section 10 of the Rivers and Harbors Act, 33 U.S.C. § 403, and Section 404 of the Clean Water Act, 33 U.S.C. § 1344, for the construction of a proposed new docking facility (“Dock 2 Facility”), which will transfer LNG to docked vessels but has not performed an environmental impact statement (EIS) and no other agency has performed an environmental impact statement, leaving the project unexamined under the National Environmental Policy Act⁴; and

WHEREAS, neither the State of New Jersey, the Delaware River Basin Commission, the Army Corps of Engineers nor any other agency has conducted a comprehensive assessment of the cumulative and long-term impacts of the full scope of New Fortress Energy’s plan to liquefy natural gas from fracking wells in Northern Pennsylvania, transport the LNG by truck or rail to the Gibbstown Logistics Center and export by marine vessels overseas on the Delaware River past Delaware and South Jersey bayshore communities; and

WHEREAS, LNG’s hazardous nature, flammability and potential for powerful explosion combined with the difficulty of predicting the movement of LNG when released from a container such as a truck or rail car, exposes emergency and first responders to danger that cannot be reliably prevented, risking the health and safety of these workers; and

WHEREAS, the potential transportation routes travel through communities with proportionately more people of color and low-income populations, compounding environmental injustices⁵ and these communities are already unjustly burdened by environmental and public health harms⁶, which is in direct conflict with the New Jersey’s mission to promote environmental justice;

“The QRA will help to evaluate the derailment and release probability of LNG rail cars over certain segments of the network, and account for a variety of track and train characteristics...An LNG risk model can be used to understand the probability and consequences for LNG transportation incidents for both rail and truck delivery. Even though they are treated differently, the underlying event tree analysis approach is the same. When the probability of LNG tank car derailment is understood, better decisions can be made regarding the crashworthiness, placement, and operation of rail cars and the potential consequences from an LNG release due to a derailment. Further study for modeling the probability and consequences of transporting LNG by rail and truck will help decision-makers understand public risks and make informed decisions.” “Risk Assessment of Surface Transport of Liquid Natural Gas”, *prepared for* U.S. DOT Pipeline and Hazardous Materials Safety Administration, Office of Hazardous Materials Safety *prepared by* Cambridge Systematics, Inc. *with* MaineWay Services, LLC, Rutgers University, Transport Analytics, LLC., ScienceSmith LLC, March 20, 2019. P. ES-9.

⁴ <https://www.delawariverkeeper.org/sites/default/files/DRN%20Motion%20for%20Summary%20Judgment%20in%20Gibbstown%20Army%20Corps%20Permit%20Challenge%20%282020-10-30%29.pdf>

⁵ Delaware Riverkeeper Network, <https://www.delawariverkeeper.org/taxonomy/term/1174>

⁶ Public health is negatively impacted by air pollution. [Those closest to the emission source receive the most harm](#) from most pollutants, particularly particulate matter 2.5 (PM 2.5). Communities of color and

NOW, THEREFORE, BE IT RESOLVED that:

1. The Borough of Merchantville strongly opposes New Fortress Energy's proposal to transport Liquefied Natural Gas (LNG) by train and truck through New Jersey for export, and calls upon Governor Murphy and the State of New Jersey to disallow the transport of LNG to the Gibbstown Logistics Center Dock 2 until a comprehensive review of the potential public health and safety as well as the environmental impact of this activity has been conducted.
2. The Borough of Merchantville calls upon the State of New Jersey to act in furtherance of its policy to transition away from fossil fuels by taking all measures possible to prevent the transportation of LNG by truck and/or by rail through New Jersey and by conducting a public health and safety analysis, a comprehensive quantitative risk assessment, and a comprehensive environmental analysis of the potential impacts of this transportation to communities and the natural environment in New Jersey.
3. The Borough of Merchantville calls upon the Pipeline and Hazardous Materials Safety Administration to rescind and not extend Special Permit DOT-SP 20534 for the transportation of LNG in rail tank cars for travel between Wyalusing Township, PA and Gibbstown, NJ.
4. The Borough of Merchantville calls upon the Army Corps of Engineers to perform an environmental impact statement under the National Environmental Policy Act.
5. An official copy of this resolution be filed with New Jersey State Governor Phillip D. Murphy, PO Box 001, Trenton, NJ 08625.
6. An official copy of this resolution be filed with Lieutenant Colonel David Park, Commander of the U.S. Army Corps of Engineers Philadelphia District and Edward E. Bonner, Chief of the Regulatory Branch the U.S. Army Corps of Engineers Philadelphia District, 100 E Penn Square East, Philadelphia, PA 19107.
7. An official copy of this resolution be filed with the Administration of President Joseph Biden at the Council on Environmental Quality, The White House, 1600 Pennsylvania Ave NW, Washington, DC 20500.

Effective October 25, 2021

APPROVED:

EDWARD F. BRENNAN
Mayor

those with low household incomes live in proximity to some of the greatest sources of air pollution, including those along the transportation route such as Camden and Paulsboro in New Jersey.

ATTEST:

DENISE L. BROUSE
Borough Clerk

I, Denise Brouse, Borough Clerk of the Borough of Merchantville, do hereby certify the foregoing resolution to be a true copy of a Resolution adopted by the governing body at a meeting held on October 25, 2021.

Denise Brouse, Borough Clerk

October 25, 2021